

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

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|--------------------------------|---|----------------------------|
| KENT MITCHELL, | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| V. | § | CIVIL ACTION NO. H-06-2911 |
| | § | |
| SUMMIT RECOVERY SERVICES, LLC, | § | |
| | § | |
| Defendant. | § | |

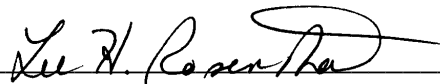
MEMORANDUM AND ORDER

Plaintiff Kent Mitchell has filed a motion for default judgment against defendant Summit Recovery Services, LLC. It appears that Summit Recovery Services has failed to answer the complaint as required by Rule 12, Fed. R. Civ. P., making entry of default against it proper. Kent Mitchell has filed an affidavit and exhibits in support of his claims for actual damages and reasonable attorney fees on this suit. Mitchell has also sent the defendant notice of the motion for entry of default and default judgment. Further notice to the defendant and further hearings are not necessary. Rule 55(b)(2), Fed. R. Civ. P.

The court concludes that Kent Mitchell has established his entitlement to default judgment against Summit Recovery, LLC in the amount of \$6,000 in actual damages, reasonable attorney's fees in the amount of \$2,400 and postjudgment interest on all of the above at the rate of 5.05 % *per annum*.

Plaintiff Kent Mitchell's motion for default judgment is granted. Final judgment is entered by separate order.

SIGNED on February 27, 2007, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", is written over a horizontal line.

Lee H. Rosenthal
United States District Judge